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EXAMINER	
LUONG, ALAN H	

ART UNIT	PAPER NUMBER
2427	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,697	DIMITROVA ET AL.	
	Examiner	Art Unit	
	ALAN LUONG	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5 and 7-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5 and 7-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Art unit is changed into 2427

Response to Amendment

This Office Action is responsive to the Amendment filed on 09/23/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0044225 A1 published by Rakib (hereinafter Rakib), in view of US 2001/0021998 A1 published by Neal Margulis (hereinafter Margulis); (US 2002/0002707 A1) published by Ekel et al.(hereinafter Ekel) and further in view of US 2002/0083471 A1 published by Agnihotri et al.

Regarding to claim 1. Figure 1 of Rakib illustrates "A residential gateway system". The system comprises: "means (18, 20, 28, 42) for receiving broadcast video signals from a variety of sources" [15] **see Rakib, Fig. 1, ¶0030, ¶0035);** and "means (14) for displaying video signals" [34] **see Rakib, Figs. 1, 2, ¶0038)** for displaying video signals**).** A "residential gateway (10) coupled to said receiving means **(18, 20, 28, 42)** for selectively displaying video signals on said display means"

[14] **see Rakib, Fig. 1, ¶0039);** as shown in Figure 2, Rakib discloses "a handheld controller (50)" [70]" having a display screen (52)"[92] that is "coupled to said residential gateway (10) via a network channel (48)[72A/B] for communicating with and controlling said residential gateway (10) **see Rakib, ¶0048, ¶0052)** and comprises: "means (44, 66) for storing attributes of said handheld controller (50) and of said network channel (48)"[118] as necessary for matching the bandwidth of the data path during rateshaping activities(**see Rakib, ¶0092).** Rakib also discloses "transcoding means (68) for transcoding video signals, in response to said stored attributes, for transmission on said network channel (48)" [72 A/B], to said "handheld controller (50)"[70] whereupon, "said transcoded video signals are capable of being handled by said network channel (48) and of being displayed on the display screen (52) of said handheld controller (50) without further processing in said handheld controller (50)" given that the video signal has already been processed **(see Rakib, ¶0053, ¶0056, ¶0076, ¶0092, and ¶0124).** Rakib also discloses the residential gateway system further comprises typical peripherals in a customer premises that the gateway couples to the headend circuitry that service them are: digital VCR 38, home computer 40, network computer 44, digital security video camera 46 and digital telephone or videophone 48; **see Rakib, Fig. 1, ¶0039)** DVD player 324 ; **Fig. 9 (means (22, 30, 32, 41));** it was well known in the art at

the time of the invention to understand these devices functions for storing video signals and for playing back stored video signals . Rakib also discloses the transcoders 161 (**transcoding means (68**) is capable of transcoding stored video signals (**see Rakib, Fig. 5, ¶0092).** However, Rakib is silent with respect to "storing attributes of said handheld controller and performing a video content analysis for transcoding.

In an analogous art directed toward a similar problem namely improving the results from the attribute of components in the system, Margulis teaches "**storing attributes of a handheld controller**" [128] and subsequently using those attributes for transcoding. (**see Margulis ¶0057)** is a known technique in the art. Margulis also teaches **performing a video content analysis** in a wireless base station 156 (i.e. same as the gateway 10) **see Margulis, Figs 1, 8, ¶0082 to ¶0086).** Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of Rakib, to store attributes of the handheld controller as taught by Margulis in order to distribute media to be properly displayed in accordance with the remote devices capabilities...

Furthermore, Fig. 9 of Rakib illustrates "**the handheld controller**" (i.e. PDA [399]) comprises "**a memory** [408] **"having stored therein profile information** (i.e. the programs drive menu on display 402, example: program 416 for controlling host 400 to display menu; program 422 controls host 400 to convert video program to the suitable format for display on the display device 402; program 424 allow user to control any devices which coupled with Gateway through LAN connection; etc...**concerning a**

plurality of users of said handheld controller said profile information including guidelines of which transcoding process (as taught by Margulis in previous claim 3) **is desired by the selected user"(see Rakib, Fig. 9, ¶0142-¶0152)**,

Further, Rakib and Margulis disclose response to **the attributes of said network channel (48)** in claim 1 above**;** Rakib also discloses a personal digital assistant (PDA) having wireless capabilities **(handheld controller (50))** data can be exchanged with the transceiver of a home gateway or some settop decoder with a transceiver on a LAN coupled to the gateway. PCMCIA or springboard modular wireless transceiver or wireless LAN NIC (hereafter just PC card) 380 provides the connectivity to the gateway either directly or through a wireless or other LAN coupled to the gateway to send and receive commands and data determine **the bandwidth capabilities of the network channel (48) and the display screen (52**); **see Rakib, Fig. 9, ¶0142 and ¶0143)**, including the resolution and refresh rate of the display screen (52 and a transcoders 161 **(the transcoding means (68**)) transcodes the video signals to conform with at least the bandwidth of the display screen (52) ; **see Rakib, Fig. 5, ¶0092),** However, Rakib and Margulis are silent with the handheld controller (50) comprises the screen size, processing power, and battery life.

In an analogous art directed toward a similar problem namely improving the results from display screen of handheld remote control; Ekel discloses "the handheld controller (50) "comprises "screen size, processing power, and battery life"; **see Ekel, Fig. 5, ¶0032)**

Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the remote display screen in Rakib so as to depend on the screen size, processing power, battery life as taught by Ekel; in order to presents a portion of the content on the controller display. The "portion" of the content may mean a reduction in size, a selection of particular components, or a simplified representation of the full content if the content includes video, animation, or other complex subject matter; **see Ekel; ¶0010).**

Neither Rakib nor Ekel and Margulis teaches the video content analysis, alternatively, providing a series of still images and a text summarization of the stored video signals, and providing a series of relevant video clips and audio clips.

In an analogous art directed toward a similar problem namely improving the results from the video content analysis; Agnihotri teaches the video content analysis, alternatively, providing a series of still images and a text summarization of the stored video signals, and providing a series of relevant video clips and audio clips (**Agnihotri; Fig. 2, ¶0040, ¶0044, ¶0056, ¶0057, ¶0065, ¶0077, and ¶0078).** It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of Rakib to include the video content analysis, alternatively, providing a series of still images and a text summarization and series of relevant video clips and audio clips as taught by Agnihotri for providing a multimedia summary of a video program using transcript information and video segments of the video program. There is also a need in the art for an improved system and method for providing a

multimedia summary of a video program that may be accessed by a viewer at the start of any topic or subtopic in the video program **(Agnihotri. ¶0007).**

Regarding to claim 5: The residential gateway system as claimed in claim 1 above, Rakib further discloses "means (18, 20, 28, 42) for receiving news, weather, traffic and other live information" **(see Rakib, ¶0104 to ¶0106).** Moreover, Margulis further teaches a "transcoding means (68)" [538] is capable of transcoding said live information in the form of a text streamer for transmission to said handheld controller" (**see Margulis, Fig. 5, ¶0061).**

3. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib, Margulis, Ekel et al. and Agnihotri; in view of (US 2004/0250273 A1) published by Scott Swix et al.(hereinafter Swix)

Regarding to claim 7: The residential gateway system as claimed in claim 5, Rakib explicitly discloses (handheld controller (50)[399] further comprises "a memory (60) for storing profile information concerning a plurality of users of said handheld controller (50), said profile information including guidelines of which transcoding process is desired by the selected user", **see Rakib Figs. 9, ¶0142-¶0145)**

However, Rakib is deficient autonomously providing a priority setting in said user profile.

In an analogous art directed toward a similar problem namely improving the results from the video content analysis, Swix teaches "a priority setting in said user profile"; (Swix, **¶0064-¶0066, ¶0072**). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of

Rakib, Margulis, Ekel and Agnihotri to include the transcoded text streamer based on a priority setting in said user profile as taught by Swix for the combination of entertainment video and data streams on the same transport is also optimized for the purpose of providing enhanced multimedia services based on the priority of user profile.

4. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib, Ekel, Margulis and Agnihotri et al; view of US Patent 7,181,757 B1 issued to Kim et al. and further in view of US 2002/0088723 A1 published by Ma et al.

5. **Regarding to claim 8:** Neither Rakib, Ekel, Margulis nor Agnihotri et al teaches the profile information includes user priorities for topics, time of day, location, available time for watching previews and full-length videos.

In an analogous art directed toward a similar problem namely improving the results from the video content analysis, Kim teaches "the profile information includes user priorities for topics, time of day, location, available time for watching previews and full-length videos"; (**Kim, col. 6 line 51 to col. 7 line 10)**, It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of Rakib, Kim, Ekel, Margulis and Agnihotri et al. to include the profile information includes user priorities for topics, time of day, location, available time for watching previews and full-length videos as taught by Kim to provide access to the original video from summary segments constituting the video summary and provide sufficient audio summary description functionalities (**Kim, col. 2 lines 5-16 and col. 8 lines 41-46)**. However, these Rakib, Ekel, Margulis, Agnihotri et al and Kim et al fail to

teach using the attributes of the video signals, in a weighting scheme along with said user priorities wherein said user priorities are highest weighted.

In an analogous art directed toward a similar problem namely improving the results from the video content analysis in a weighting scheme; Ma teaches "in a weighting scheme along with the user priorities are highest weighted"; **Ma,Fig. 2, ¶0059-¶0061)**. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of Rakib, Kim et al , Ekel, Margulis, and Agnihotri et al to include a weighting scheme along with the user priorities as taught by Ma et al. for providing the systems and methods address these and other limitations of conventional arrangements and techniques to analyze and summarize video data.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib, Ekel, Margulis and Agnihotri; in view of US 2002/0088723 published by Ma et al.

Regarding to claim 9: Rakib, Ekel, Margulis and Agnihotri are silent the audio-visual summaries including images representing scenes in the video signals;

In an analogous art directed toward a similar problem namely improving the results from analysis scenes in the video signals; Ma teaches the audio-visual summaries including images representing scenes in the video signals; **Ma, ¶0109)**. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the residential gateway system of Rakib, Ekel, Margulis and Agnihotri to include the audio-visual summaries including images representing scenes in the video signals

as taught by Ma el al. to give reasonable results combining language understanding techniques with visual feature analysis; **Ma, ¶0008)**.

7. **Claims 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakib, Ekel, Margulis and Agnihotri; in view of US 2003/0182661 A1 published by Ellis et al.

Regarding to claim 10: Rakib, Ekel, Margulis and Agnihotri disclose all limitation of claim 1, Margulis further teaches the residential gateway (10) provides a table of contents for each of the programs represented by video signals stored by the video signal recording and playback means (22, 30, 32, 41), said transcoding means (68) transcoding said table of contents for said handheld controller (50), said handheld controller (50) displaying said table of contents,; **Margulis, Fig. 6, ¶0073)**. However, Rakib, Ekel, Margulis and Agnihotri are silent with the handheld controller (50) having means (56) for selectively deleting selected portions of a selected one of the programs thereby forming an edited program, said edited program being subsequently displayed on said displaying means (14).

In the same field of remote access to EPG system; Ellis teaches "the user can select or delete channels from the viewer preference list in any desired order…". **Ellis; Fig.8, ¶0187),"** a data processor (**means (56))** executes an interactive computer program used to edit the program listings data before it is transmitted to the user and stored in memory. The interactive system operates as follows: unedited (or partially edited) program listings information is loaded into the data processor…" ; **Ellis; Fig.42, ¶0207-¶0213).** It would have been obvious to one having ordinary skill in the art at the time of

the invention was made to modify the residential gateway system of Rakib, Ekel, Margulis and Agnihotri to include an interactive computer program used to edit the program listings data as taught by Ellis to provide the user with a need for an electronic guide system providing a reliable and efficient method of updating or replacing the application software that implements the electronic guide at the user sites. **¶0017)**, and the ability to select from among a plurality of display formats for the program schedule information; **¶0022)**.

Regarding to claim 11: The residential gateway system as claimed in claim 10, Ekel et al. also teaches "the table of contents is stored with the video signals of each of the programs"; **(see Ekel, Figs. 1 and 4, ¶0004, ¶0031, ¶0046)**

Regarding to claim 12: The residential gateway system as claimed in claim 10, Ekel et al. also teaches "the table of contents is obtained from the Internet by the residential gateway system" **(see Ekel, Fig. 2, ¶0007, ¶0022, ¶0024)**

Regarding to claim 13: The residential gateway system as claimed in claim 10, in a Fig. 7 Ellis also discloses "means (56)"[70] for locking out selected programs or portions of programs from being viewed on "**displaying means (14)**"[27] **(Ellis; Fig. 4, 7, 30, 39, ¶0154- ¶0162, ¶0168, ¶0176 and ¶0189)**.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 5, 7-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant respectfully argues that: Margulis reference fails to teach "wherein residential gateway system further comprises means for storing video signals and for playing back stored video signals, and said transcoding means transcodes the stored video signals by performing a video content analysis" because Margulis does not disclose or suggest transcoding is done by performing a video content analysis.(Remark, pages 8-9).
Examiner respectfully disagrees:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In fact, in rejection the previous claim 3, Rakib discloses the a rate shaping circuits as multiple transcoders for transcoding (or compression) video program to match with bandwidth of data path to be available onto LAN **(see Rakib, Fig. 5, ¶0092)**, in combination with Rakib, Margulis modifies a video content analysis transcoded video in suitable format to be processed by subsystem processor **(see Margulis, Figs 1, 8, ¶0082 to ¶0086).** Therefore, it is the examiner's opinion that the combination of Rakib and Margulis disclose the limitation of "wherein residential gateway system further comprises means for storing video signals and for playing back stored video signals, and said transcoding means transcodes the stored video signals by performing a video content analysis".

Furthermore, specifically, Agnihotri teaches a multimedia summary is a video/audio/text information that summarizes the content of the video program, the multimedia summary is capable of displaying: 1) text, and 2) still video images comprising a single video frame, and 3) moving video images (referred to as a video "clip" or a video "segment") comprising a series of video frames, and 4) audio, and 5) any combination thereof. (**Agnihotri; Fig. 2, ¶0040)** also clarified in **¶0044, ¶0056, ¶0057, ¶0065, ¶0077, and ¶0078).** Therefore, it is the examiner's opinion that the combination of Rakib, Margulis and Agnihotri disclose the limitation of "the transcoded signal may include a series of still images and a text transcript of the video content. Alternatively, the transcoded signal may include a series of video clips summarizing the important moments of the video content". In each case, the video content must be analyzed in order to generate "a series of still images" or "a series of video clips summarizing the important moments"(Remark, page 9 lines 3-9)

It is respectfully submitted that a prima facie case of obviousness has in fact been established and the rejection should be sustained.

Addition, Applicants submit that Rakib has no disclosure or suggestion of the memory "having stored therein profile information concerning a plurality of users of said handheld controller, said profile information including guidelines of which transcoding process is desired by the selected user". Examiner respectfully disagrees:

In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and

that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See In re Norniya, 184 USPQ 607 (CCPA 1975). In this case, the reason for combining references of Rakib and Margulis disclose the limitation of "having stored therein profile information concerning a plurality of users of said handheld controller, said profile information including guidelines of which transcoding process is desired by the selected user".

Fig. 9 of Rakib illustrates "**the handheld controller**" (i.e. PDA [399]) comprises "**a memory** [408] "**having stored therein profile information** (i.e. the programs drive menu on display 402, example: program 416 for controlling host 400 to display menu; program 422 controls host 400 to convert video program to the suitable format for display on the display device 402; program 424 allow user to control any devices which coupled with Gateway through LAN connection; etc...**concerning a plurality of users of said handheld controller said profile information** including guidelines of which transcoding process (as taught by Margulis in previous claim 3) **is desired by the selected user"(see Rakib, Fig. 9, ¶0142-¶0152)**, Therefore, it is the examiner's opinion that the combination of Rakib and Margulis disclose the limitation of "having stored therein profile information concerning a plurality of users of said handheld controller, said profile information including guidelines of which transcoding process is desired by the selected user".

It is respectfully submitted that a prima facie case of obviousness has in fact been established and the rejection should be sustained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427